IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CIVIL APPLICATION NO.6378 of 2005.
IN
FIRST APPEAL NO. 618 OF 2006.

The State of Maharashtra. ... Applicant.
Versus.
Bhiva Ganpat More. ... Respondent.

Shri S.V.More, A.G.P.for the Applicant.

CORAM : ABHAY S.OKA, J.

DATED : 31st MARCH, 2006.

P.C.:

1. Heard the learned A.G.P. for the Applicant.

2. The challenge in this Appeal is to the Judgment and Award passed under section 18 of the Land Acquisition Act, 1894. Such Award cannot be stayed unless the entire amount is deposited by the Applicant.

3. Hence the following order is passed:

i) There will be interim relief in terms of prayer clause (b) subject to condition that the Applicant will deposit with the Reference Court the entire amount due and payable as per the impugned Award within a period of 12 weeks from today. If the amount is not deposited within the stipulated time, the interim stay granted will stand vacated without reference to the Court.

ii) If the amount is deposited by the Applicant, the Respondent will be entitled to withdraw the same on furnishing security to the satisfaction of the Reference Court.

iii) Civil Application is disposed of in the above terms.

iv) As this order is passed without hearing the Respondent, he is at liberty to apply for modification of this order.

Judge.